

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

VALVETECH, INC.,	:	
Plaintiff,	:	
v.	:	Case No. 6:17-cv-06788-FPG-MJP
AEROJET ROCKETDYNE, INC.,	:	
Defendant.	:	

**MEMORANDUM IN SUPPORT OF PLAINTIFF VALVETECH, INC.’S MOTION FOR
EXPEDITED HEARING ON ITS MOTION FOR PRELIMINARY INJUNCTION**

Plaintiff ValveTech, Inc. (“ValveTech”) seeks an expedited hearing on its Motion for a Preliminary Injunction (ECF No. 383) pursuant to Local Rule 7(d)(1). W.D.N.Y. Local R. Civ. P. 7(d)(1). There is good cause for an expedited schedule here because Defendant Aerojet Rocketdyne, Inc. (“Aerojet”) refused to confirm it will be preserving the evidence of its breach of the 2011 and 2017 Nondisclosure Agreements pending resolution of ValveTech’s request for equitable relief. *See* generally ECF No. 383 (Mot. for Preliminary Injunction). Similarly, although the Court instructed Aerojet to identify the locations where ValveTech’s proprietary information is stored over two weeks ago, and although Aerojet promised to investigate that same day, no information has been forthcoming. ECF No. 369 (Nov. 13, 2023 Trial Tr.) at 152:8-22.

This litigation remains ongoing for resolution of post-judgment motions including ValveTech’s request for equitable relief. There is no question that Aerojet breached both the 2011 and 2017 Nondisclosure Agreements, including its failure to return or promptly destroy ValveTech’s proprietary information. *See* ECF No. 376 (Jury Verdict) at 2a, 2b, 4a, 4b. ValveTech will seek equitable relief to address Aerojet’s retention of its proprietary information

as defined in the contracts, and Aerojet should be restrained from moving or altering evidence before a final adjudication. Allowing an ordinary briefing schedule would provide Aerojet more time to do so, which is a clear risk given its refusal to comply with a legal hold.

Accordingly, ValveTech respectfully requests that the Court enter an expedited briefing and hearing schedule to maintain the status quo and prevent Aerojet from deleting, modifying, or moving evidence related to this ongoing litigation.

December 1, 2023

By: /s/ John D. Esterhay

Laurie A. Vahey
Vahey Law Offices PLLC
144 Exchange Blvd., Suite 400
Rochester, New York 14614
Tel: 585-262-5130
lvahey@vaheyllaw.com

Kevin J. Patariu
John D. Esterhay
Miguel J. Bombach
Abigail A. Gardner
Perkins Coie LLP
11452 El Camino Real, Suite 300
San Diego, CA 92130-2080
Telephone: (858) 720-5700
Fax: (858) 720-5799
KPatariu@perkinscoie.com
JEsterhay@perkinscoie.com
MBombach@perkinscoie.com
AGardner@perkinscoie.com

Attorneys for Plaintiff
VALVETECH, INC.